

# City of Norfolk



## Personnel Administrative Policies Manual



**City of  
Norfolk**

**PERSONNEL ADMINISTRATIVE POLICIES MANUAL**

**Policy Number  
1.0**

**Date Issued  
1 January 2004**

**Subject:  
PURPOSE**

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# PURPOSE



**City of  
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**PERSONNEL ADMINISTRATIVE POLICIES MANUAL**

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## **1.1 PURPOSE**

This manual has been prepared to provide guidance to employees on the City of Norfolk's policies and procedures. It is not intended to form and is not a contract between the City and any of its employees. The manual describes personnel policies and procedures in effect as of the time the respective pages on which they appear were inserted, but all or any part of the manual may be modified or altered unilaterally by the City at any time.

The manual is designed to incorporate as many as possible practices and procedures that relate to the employees of the City of Norfolk. It will be revised and additional pages and materials added as they are needed. This manual supersedes all previously circulated materials similar in nature.

It is important to keep in mind that many provisions contained in this manual are governed by particular ordinances or sections of the City Charter, City Code, or Virginia Code. In most instances, these ordinances or sections have been noted. In the event of any conflict between the contents of this manual and the provisions of any pertinent law, the then-current applicable law shall be controlling.



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# CITY ORGANIZATION



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## **2.1 CITY ORGANIZATION**

The City of Norfolk is organized under the Council-Manager form of local government. Citizens elect the seven-member City Council. The Council in turn, elects one of its members as the President of the Council, a position generally referred to as Mayor. The Mayor acts as an official representative of the City for a variety of activities and occasions.

The City Council appoints a City Manager who serves as the chief administrative officer of the City. The City Manager oversees the execution of the various laws, resolutions, and orders adopted and directed by City Council. The City Manager also supervises City departments, which are responsible for planning and executive management of City services; implementing policies of the City Council; developing and controlling the execution of the budget and developing recommendations and reports to assist the City Council in decision-making.

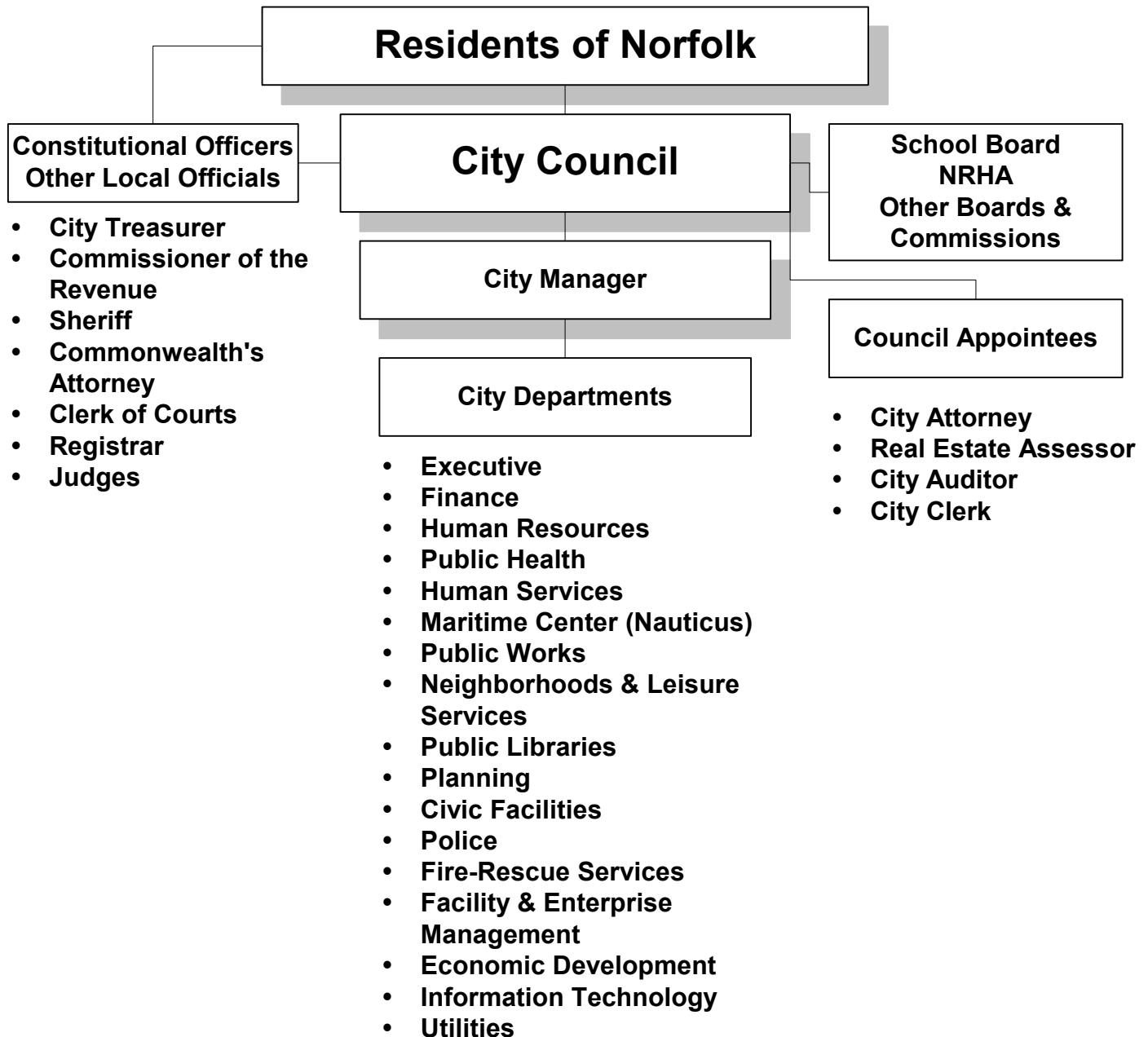
The Public School System is under the direction of the School Board, which is appointed by the City Council, and the Superintendent of Schools, who is appointed by the Board. The School Board prescribes policies for School System personnel separate from the policies and procedures in this manual.

The Judges of the Courts are appointed by the Virginia General Assembly. They and their employees are subject to personnel rules prescribed within the Courts.

The Constitutional Officers, who include the Commonwealth's Attorney, Clerk of the Court, Commissioner of the Revenue, City Sheriff and City Treasurer, are elected by the voters. Employees of Constitutional Officers should seek advice from their supervisors as to the extent policies and procedures in this manual may or may not apply to their employment.

A chart of the City government is included to show how the departments are structured within the City organization. By studying the chart, one can see the number of departments necessary to accomplish City goals.

## City of Norfolk Organization Chart





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# RECRUITMENT AND HIRING



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### **3.2 ORIENTATION**

New permanent full time, permanent part time and special project employees will attend the New Employee Payroll/Benefits Orientation Program, (NEPBO) conducted by the Department of Human Resources. This weekly orientation program provides information on employee benefits programs.

Once a month, Human Resources conducts a one-day new employee orientation called "Keys to Success". Employees will be registered for this orientation at the same time they sign up for the benefits orientation.

Supervisors are an employee's main source of information. Whenever a new employee has a question or concern, he or she is encouraged to discuss it with his or her supervisor. Supervisors have the responsibility of assisting employees in their charge in understanding duties, work schedules, and personnel matters.





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**3.3 CATEGORIES OF CITY EMPLOYMENT**

Generally, there are four categories of City employment: (1) the classified service, (2) the unclassified service, (3) employees who are in neither the classified nor the unclassified service (these include special project, substitute, trainee, and temporary employees), and (4) part-time employees.

1. Classified Service – These are permanent employees whose employment is governed by Sections 110-125 of the City Charter and who are within the jurisdiction of the City's Civil Service Commission. Such employees obtain their appointments and/or promotions on a competitive basis in accordance with the rules of the Civil Service Commission. Permanent part-time employees (City Code Section 2-109) are also members of the classified service.

2. Unclassified Service – These are employees specifically exempted from the classified service by City Charter Section 114 and are generally those elected or whose appointment is directly confirmed by the City Council (such as the City Attorney and his assistants, the City Clerk and his deputies, etc.) and higher-ranking supervisory employees (such as assistant city managers, department heads, assistant department heads, and heads or chiefs of bureaus and divisions). These employees are not within the jurisdiction of the Civil Service Commission and serve at the will of the City Council and/or the City Manager.

3. Employees Exempt from Classified/Unclassified Service – These employees are hired in a special project, substitute, trainee or temporary status and serve at the will of the City Manager in accordance with City Charter Section 114.1 and City Code Section 2-85. They are not within the jurisdiction of the City's Civil Service Commission, although transfers of these employees into the classified service are within the control of the Commission. Benefits for these employees must be identified by ordinance. Special project employees begin participation in the City's Retirement System upon completion of two years of service (City Code Section 37-26.1).

4. Part-time employment with the City is governed by City Code Sections 2-108 through 2-114 and may be “permanent”, “casual”, “periodic”, or “intermittent”.



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### **3.4 SALARY INFORMATION**

Information relating to the compensation of city employees is contained in the City's Compensation Plans, which can be found on the City's Intranet and Internet websites. These plans are adopted by City Council by ordinance each year, but may be amended at any time by City Council when changes become necessary. For most positions, the compensation plans provide pay ranges and pay steps within each pay range, and rules governing how the compensation plans are to be applied to employees. The comprehensive rules and regulations contain provisions governing such things as starting salaries, annual increments, overtime, and special duty and education supplements. It is important to note that the compensation plans and regulations are intended to cover and include all monetary compensation payable to City employees.

Employees are encouraged to refer any questions concerning compensation rules and regulations to their supervisors or to the Department of Human Resources. Since some of the regulations are complex and changes are made throughout the year, Human Resources should be contacted on any questions that cannot be fully answered by the departmental supervisors.

An important section of the Compensation Plan addresses the issue of overtime and provides the regulations governing overtime compensation. In 1986 the City was first covered by the Fair Labor Standards Act, which provides additional regulations relating to overtime. The Fair Labor Standards Act requires the City to have the rules governing overtime closely followed and to require supervisors to monitor the amount of overtime being worked. Employees may not work overtime unless their supervisor has properly authorized it. Furthermore, employees must correctly report to their supervisor all overtime worked.

Copies of the Compensation Plan are distributed annually to payroll clerks within each division and the Chairperson of each Employee Relations Committee. If a copy cannot be located within an employee's department or bureau, a reference copy is available within the Department of Human Resources.

**Methods of Pay**

There are two methods of pay: paycheck or direct deposit. Direct deposit is mandatory for all employees (except casual and periodic part-time) hired on or after July 1, 1990. Employees hired before July 1, 1980 may elect either direct deposit or to receive a paycheck (Note: Once they select direct deposit, they may not return to paper checks). To aid the City Treasurer and the Director of Finance in their payroll accounting procedures, it is requested that all employees cash or deposit their paychecks as soon as possible.

Direct Deposit - Direct deposit is a benefit that automatically deposits an employee's pay into a bank, credit union, savings or checking account each payday. Each pay period, information is delivered to the Automated Clearinghouse Association, which deposits the employee's net pay in either a checking or savings account at their financial institution.

To participate in the program, an Authorization Agreement for Direct Deposit of Net Pay form must be completed and returned to the departmental payroll clerk. Direct deposit will start the second payday after the data is entered into the payroll system, to allow time for the employee's financial institution to receive a pre-notification message to confirm that the employee's account number is correct. The employee will receive a pay advice to confirm that the employee's pay was deposited into the designated financial institution. Any employee who changes financial institutions should immediately notify the departmental payroll clerk, who will assist in the completion of a new form, which will initiate another "pre-notification" process.

Employees may specify only one institution in which to deposit pay. The full amount of the employee's net pay must be deposited. If an employee who uses direct deposit has wages garnished or levied for taxes, the employee's use of direct deposit will not be suspended during the garnishment period.

Any questions concerning direct deposit should be referred to the Department of Human Resources.

**Payday Determination**

Employees are paid on a semi-monthly basis on the 15<sup>th</sup> and the last day of the month. If the 15<sup>th</sup> or the last day of the month falls on a weekend or a holiday, employees are paid on the preceding workday.

**Absence on Payday**

If an employee who receives a paycheck will be on authorized leave on a payday, a salary check may be obtained, with approval of the department head, from the City Treasurer's office the day before the scheduled payday.

**Loss of Paycheck**

If an employee who receives a paycheck loses his or her paycheck, the City Treasurer's office must be contacted immediately to ensure that payment is stopped on the lost check.

**Payroll Deductions**

Deductions fall into three categories: those that are legally required and those that the employee requests.

1. Required Deductions –The Internal Revenue Code, 1954, as amended, requires an employer to withhold income taxes on wages earned. The amount of taxes withheld from gross salary is in accordance with the withholding tax table established by the United States government. This table is used in conjunction with the withholding exemption certificate (Form W-4), which all employees must file with the Department of Human Resources upon employment. The law also requires that tax be withheld from overtime and other additional payments. Other income-related deductions such as State income tax shall be withheld pursuant to the provisions of the applicable act, as will deductions for Social Security (FICA), as applicable.
2. Mandatory Deductions– The City recognizes and enforces any court-ordered deductions such as garnishments and child support payments pursuant to the guidelines established by the applicable state statutes.
3. Voluntary Deductions – These deductions include family and dependent hospitalization coverage, group life insurance (other than VSRS), credit union, United Way, U.S. Savings Bonds, deferred compensation, and various other insurance coverage and deductions sanctioned by the City and requested and authorized by the individual employee.



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### **3.6 TEMPORARY ACTING SERVICE**

The temporary acting service of classified employees is governed by Civil Service Commission Rule 13A. CSC Rule 13A limits the normal duration of temporary acting service of classified employees to 180 days, and, if approved by the Commission, one extension of 180 days.

Whenever an employee is legally assigned to serve in a temporary acting capacity in a higher classification in the classified service, or to a higher ranking or higher compensated position in the unclassified service, such employee, during the period of such service, shall be compensated at the same rate and in the same manner as if he or she had been promoted to such position, in accordance with the procedure provided in the City's Compensation Plan. The employee assuming a higher classification must meet the minimum qualifications specified in the class specification. When temporary acting service is discontinued, an employee's compensation shall revert back to that which would have been paid if the employee had not been assigned to serve in a temporary acting capacity. (Sections titled Temporary Acting Service in the General Employee, Police, and Fire Compensation Plans.)

The Executive and Senior Management Compensation Plans also contain sections titled Temporary Acting Service, which outline applicable pay procedures.



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### **3.7 EMPLOYMENT OF RELATIVES**

A. The City Manager is directed to ascertain the names of all employees of the city who are immediate family members to the person employing such employees. Immediate family is defined to mean parents, grandparents, spouse, children, grandchildren, sisters and brothers, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle and any relative residing in the employee's home, relatives by adoption, and step relatives in the described relationships. The retention of any such related person in the employ of the city is to be subject at all times to the approval of the City Manager.

B. The employment of any persons so related to the person employing them shall be with the approval of the City Manager before employment commences.

C. The provisions of this section shall not apply to any employee in the unclassified service, nor to any person whose appointment is required by the Charter to be made or confirmed by the City Council.

D. No employee of the City shall provide direct supervision to immediate family members.



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### **3.9 CITY'S COMPENSATION PLAN**

The City maintains a comprehensive Compensation Plan, which is amended annually and as needed. This document governs the administration of salaries, wages, and other monetary employment payments and compensatory leave. Copies are available in all City departments and on the City's Intranet and Internet websites.





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# BENEFITS



## **4.2 ANNUAL LEAVE**

Annual Leave (City Code Section 2-49) – Annual leave will accrue to all members of the classified and unclassified service. Periods of leave without pay shall not count for the purpose of accumulation of annual leave.

Where practical, employee preference/requests for leave will be given when arranging work schedules; however, Departmental Directors and/or their designee shall have the responsibility for determining leave schedules of employees within the department.

Annual leave shall accrue according to the following schedules:

<b>Employees with:</b>	<b>Accrue:</b>
1 to 5 years' service	96 hours per year (8 hrs. per month)
6 to 10 years' service	120 hours per year (10 hrs. per month.)
11 to 20 years' service	144 hours per year (12 hrs. per month.)
Over 20 years' service	160 hours per year (13 hrs. 20 mins. per month.)

These employees are allowed to accrue a maximum of 352 hours of annual leave (44 days).

<b>Sworn Fire-Rescue with:</b>	<b>Accrue:</b>
1 to 5 years' service	124.8 hours per year (10.4 per month)
6 to 10 years' service	156.0 hours per year (13.0 per month)
11 to 20 years' service	187.2 hours per year (15.6 per month)
Over 20 years' service	207.6 hours per year (17.3 per month)

### **Carry Forward of Annual Leave**

Employees may forego all or part of such leave of absence in any one or more years, in which event the same may be cumulative to a maximum of forty-four (44) workdays as of September 30 of each year. Leave of absence in excess of forty-four (44) workdays may be accrued during a fiscal year, but may not be carried over beyond September 30 of each year. Any such accrued leave in excess of forty-four (44) workdays will be forfeited after that date.  
(City Code Section 2-49[e])

**Annual Leave Use During Disciplinary Suspensions**

Accumulated annual leave may only be used or taken during a period of disciplinary suspension after an employee has been suspended without pay for at least (30) days. It must be applied for and received in a lump sum, in the same manner as terminal leave, and may not be repurchased or reinstated in the event the disciplinary suspension is revoked or modified. (City Code Section 2-49[h])



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#### **4.4 CIVIL LEAVE**

##### **JURY DUTY**

All members of the classified and unclassified service shall be entitled to leave with pay for periods during normal working hours and on a scheduled workday, when they are required to render jury service or have been subpoenaed as a witness in any court or other proceeding before an agency empowered to issue subpoenas. Such leave shall not be granted in any instance when the proceeding involves personal interests of members of the classified or unclassified service not related to their service with the City, or in any instance when litigation is instituted by them or an organization of which they are members.

Employees released from jury duty in the morning are expected to return to their worksites.

Any payment received from the courts or pursuant to law by reason of jury service or attendance as a witness may be retained.

The compensation of employees required to appear in court during periods when they are not working a regular tour of duty shall be governed by the applicable provisions of the regulations for the administration of the compensation plan of the City.

##### **VOTING**

Civil leave, not to exceed one hour, may also be granted for the purpose of voting in any local, State, or Federal election, when it is established that normal working hours would otherwise prevent such activity.

(City Code Section 2-52)



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#### **4.8 MILITARY LEAVE**

The City's general policy is to abide by the State law requirement allowing employees who are members of reserve forces, national guard, or naval militia units up to a maximum of 15 work days of paid leave per Federal fiscal year (October 1 - September 30) for the purpose of any type of military training duty which is funded by the Federal government (Virginia Code Section 44-93). Weekend training (inactive duty for training), attendance at active duty military schools maintained by the armed services of the United States, and additional training duty of various types, as well as annual training, all qualify for paid leaves of absence, up to a maximum of 15 workdays per person per Federal fiscal year.

Employees are required to submit a copy of their orders to report and the dates during which service is required. Employees will be expected to promptly return to their City jobs following such service.

In addition, the City complies with Federal laws such as the Veterans' Reemployment Rights Act, 38 U.S.C. §§2021 et seq., which requires that employees under certain circumstances are entitled to leave without loss of benefits and/or reinstatement after certain periods of military service. Employee requests for leave in addition to that described in the preceding paragraph, or for reinstatement after a term of military service should be referred to the Department of Human Resources for review, along with relevant detailed documentation of the purpose and duration of the absence from the City's service



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#### **4.10 SICK LEAVE BANK**

##### **A. Purpose:**

1. To establish a voluntary Sick Leave Bank which will provide disability income for those City employees who have catastrophic medical problems, but are not eligible for Workers' Compensation or retirement benefits. The Sick Leave Bank will be continued as long as at least 25% of all permanent full-time and permanent part-time employees agree to participate in accordance with the provisions of this policy.

##### **B. Eligibility for Participation:**

1. All newly hired permanent full-time and permanent part-time employees of the City of Norfolk are eligible to join the Sick Leave Bank by designating their first accrued day of sick leave to be deposited in the Sick Leave Bank. Individuals who have not elected to participate in the Sick Leave Bank at the time they are hired must await the next open enrollment date to join, and will then be required to have accumulated a minimum of ten sick leave days before joining.

2. Employees who join the Sick Leave Bank must have completed their probationary period before becoming eligible to withdraw days from the Bank.

##### **C. Requirements for Participation:**

1. Participation in the Sick Leave Bank is voluntary. Only those employees who make voluntary contributions to the Bank will be permitted to participate in the Bank. Participation does not guarantee to an employee approval of requests to withdraw from the Bank.

2. In order to participate in the Bank, each employee will be required to contribute one day of accumulated sick leave to the Bank. Participation will begin as of the date of contribution. Sick leave contributions to the Bank are irrevocable and cannot be returned if the employee cancels his participation in the Bank.

3. Each calendar year, participating employees may be required to contribute one additional day. The Department of Human Resources will determine the need and extent of future contributions. The Department of Human Resources is empowered to require a special assessment of one (1) day from each participating employee, if the total accumulated number of Bank days falls below half of the number of participating employees.

**D. Eligibility for Benefits:**

1. Provided the employee is a participant in good standing of the Sick Leave Bank, he, or someone on his behalf must submit the appropriate request form for a Sick Leave Bank withdrawal to the Review Committee. Included with the request form will be a physician's certification of disability as described in Section H. 7 below.

2. Action will be taken by the Review Committee pursuant to each request within 10 working days following the expiration of a 30-workday waiting period per continuous disability absence. The 30-workday waiting period will begin on the first day the employee is absent from work as a result of the illness or injury. For the purpose of this procedure the term "workdays" shall be understood to mean consecutive Mondays through Fridays, excluding holidays.

3. The Review Committee may request a certification from a second physician of the Committee's choice at any time and at the employee's expense. Certification from a Committee-selected physician will be required after 50 Sick Leave Bank Days are used in any one continuous period of disability. This physician would make his report directly to the Committee. The report is to include the nature, extent, and anticipated duration of the disability. Additional physician certification may be required by the Committee as necessary.

4. Failure to submit any requested physician's certification of disability may result in denial of Sick Leave Bank benefits.

5. Eligibility for approved Sick Leave Bank benefits is contingent upon the exhaustion of all individually accrued sick, annual and compensatory leave days. If an employee does not have 30 workdays of leave, that employee will be put on "leave without pay" until they have been absent from work for 30 days as a result of the injury or illness.

6. Only a 5-workday waiting period is required when the disability is related to a previous disability during the preceding 30-day period for which Sick Leave Bank benefits have been approved by the Committee.

**E. Disability Benefits:**

1. The maximum number of workdays an employee can withdraw from the Sick Leave Bank during his or her employment with the City of Norfolk is 250.
2. No employee will be entitled to draw more than 100 days for one absence from work or during a twelve-month period.
3. An employee who is approved for disability retirement benefits or Social Security is ineligible to draw from the Sick Leave Bank.

**F. Exclusions, Limitations, and Termination of Benefits:**

1. Disabilities resulting from the following will be excluded from eligibility for Sick Leave Bank benefits:
  - a. Any occupationally related accident or illness for which Workers' Compensation benefits are payable.
  - b. Horseplay or intoxication by alcohol or drugs while at work, or a failure to obey instructions or use a safety device while at work.
  - c. Intentional self-inflicted injuries.
  - d. Injury occurring in the course of committing a felony or assault.
  - e. Active duty service in the armed forces.
  - f. War, insurrection, rebellion, or active and illegal participation in a riot.
  - g. Cosmetic surgery or treatment, or surgery or treatment deemed medically unnecessary by a physician.
2. No Sick Leave Bank benefits will be payable for that portion of any period of disability when the disabled employee is confined in a penal or correctional institution as a result of conviction for a criminal or other public offense.



3. The granting of Sick Leave Bank days for any period of disability caused by nervous or mental diseases or disorders, alcoholism or drug addiction or chemical dependence will be limited to a total period of 60 workdays during a twelve-month period unless the participating employee is confined in a legally constituted hospital.

4. The granting of Sick Leave Bank days for any period of disability caused by normal pregnancy will be limited to a total period of 60 workdays during a twelve-month period.

5. A participating employee will immediately lose the right to use Sick Leave Bank benefits because of the following:

- a. Termination of employment with the City.
- b. A suspension without pay.
- c. Voluntary cancellation of participation in the Bank.
- d. Failure to make required contribution (except for a person receiving Sick Leave Bank benefits on a day that employees are required to contribute an additional day), or provide required physician certification.
- e. Any abuse or misuse of the Sick Leave policy for which the employee has been disciplined within 12 months of the commencement of the disability.
- f. Exhaustion of maximum Sick Leave Bank days.
- g. Fraud or misrepresentation in requesting or use of Sick Leave Bank benefits.

**G. Pre-Existing Conditions:**

1. For employees eligible to participate in the Sick Leave Bank, disabilities arising within the first year of participation and attributable to a pre-existing condition will be excluded from the Bank.

**H. Administration:**

1. The Sick Leave Bank will be administered by the Department of Human Resources. The Director of Human Resources will recommend such rules and policies, notwithstanding those provided herein, considered appropriate for the operation of the Sick Leave Bank. Any additional rules or policy so developed must be approved by the City Manager.

2. A seven (7) member Review Committee will consist of: three (3) ERC members appointed by the Chairman of the City Manager's ERC Committee; three (3) members appointed by the City Manager; and the Director of Public Health, who will serve as the Chairperson. The members of the Committee will serve two-year terms and can be reappointed. The six (6) appointed members of the Committee shall be active members of the Sick Leave Bank. The members of the Committee annually will select from the membership a co-chairperson to conduct meetings in the absence of the chairperson. At any meetings of the Committee, four members shall constitute a quorum; decisions shall be made by majority vote.

3. The Review Committee shall have the responsibility of reviewing all requests from the Bank, verifying the validity of the requests, approving or denying the requests, and communicating the decision to the Director of Human Resources. The decision of the Review Committee is final, subject to the provisions of subsection 4. below.

4. The Review Committee will interact as necessary with the Departments of Finance and Human Resources in the operation of the Sick Leave Bank. The Department of Human Resources will receive and review the decisions of the Review Committee to assure consistency with City sick leave and other leave policies and with the rules and policies of the Sick Leave Bank. The Department of Human Resources will be notified by the Review Committee to effect Sick leave payments and to account for Sick Leave Bank grants. The Department of Human Resources will at that time notify the employee and affected department. Decisions of the Review Committee shall be effective from the time they are made, with Sick Leave Bank benefits payable commencing on the first regular pay period following the date on which the decision is made.

5. All requests for Sick Leave Bank benefits shall be made on authorized forms and submitted to the Review Committee. Applicants may submit requests for an extension before the expiration of their current request.

6. If the Review Committee may reasonably presume that an applicant for Sick Leave Bank benefits may be eligible for disability retirement, or any other disability or loss of time benefits, the Review committee will request that the applicant apply for such benefits. Failure to apply would disqualify the applicant for Sick Leave Bank benefits.

7. Each request for Sick Leave Bank benefits shall include a signed physician certification confirming the cause of the illness or injury, certifying the existence of a disability that prevents the participating employee from performing assigned duties, and stating the anticipated duration of the disability.

8. All forms for application for participation in the Bank, requests for withdrawal of Bank days, and cancellation of participation will be available in the Department of Human Resources.

9. The Department of Human Resources shall maintain records of all participating employee contributions, withdrawals, and the status of the Bank.

10. The Department of Human Resources shall report the status of the Bank at any time upon the request of the Review Committee and shall provide information to the Committee with respect to any participating employee's contribution status or prior use of Bank benefits.

#### **H. Termination or Modification of the Sick Leave Bank:**

The City intends to continue the Sick Leave Bank, but it reserves the right to institute a termination or modification thereof unilaterally and without prior notice. However, all existing and pending disability withdrawals will be honored by the Bank to the extent Sick Leave Bank days remain available. Should the Sick Leave Bank be terminated, all unused sick leave days will be distributed to the then current participating employees based on the number of years each has participated in the Bank.

#### **I. Financing:**

The participating employees will bear the entire benefit cost of the Bank through their annual contribution of sick leave days provided to them at no cost by the City under the current sick leave accrual plan. The City will bear only the necessary administrative cost of the Sick Leave Bank.



#### **4.11 FAMILY AND MEDICAL LEAVE**

In accordance with the Family and Medical Leave Act, effective August 5, 1993, any person who has been employed with the City for a minimum of twelve (12) months and has worked a minimum of 1,250 hours during the previous twelve (12) months is eligible for a maximum of twelve (12) work weeks of unpaid leave during any twelve (12) month period for the following reasons: the birth of a child; the adoption of a child or placement of a foster child; to care for a sick spouse, son, daughter, or parent or the employee's own serious health condition.

Leave for the birth of a child or placement of an adopted or foster child may be taken only within twelve (12) months of that birth or placement. The right to unpaid leave for these purposes is waived if not taken during this time. An employee must provide thirty (30) days' advance notice of such leave. If the employee is unable to provide thirty (30) days' notice, he or she must provide "such notice as is practicable." Leave may be taken on an intermittent or reduced basis for the birth or placement of a child, but only if the department agrees to this arrangement in advance. Additionally, if both spouses are employed by the City of Norfolk and want leave to care for their newly arrived child, their aggregate leave is limited to twelve (12) weeks.

When leave is necessary because of a serious health condition, either that of a family member or the employee, it may be taken intermittently where medically necessary. If the employee's intermittent leave is based on foreseeable medical treatment, the City may temporarily transfer the employee to a different job that better accommodates the City's needs during the employee's recurring periods of leave. The temporary position will provide the employee with equal pay and benefits. Employees undergoing foreseeable medical treatment also are required to "make a reasonable effort to schedule the treatments so as not to disrupt unduly the operations" of the City. Employees must give thirty (30) days' advance notice of medical treatment, unless they are unable to, in which case they must give "such notice as is practicable."

An employee requesting family or medical leave should submit the request to his or her immediate supervisor as soon as practical to ensure that it is processed expeditiously. An employee is required to furnish medical certification for leave involving a serious health condition affecting either the employee or a family member.

An employee's certification must include the date the serious health condition began, the probable duration of the condition, and appropriate, supporting medical facts concerning the condition. If the leave is based on the employee's own condition, the certification also must affirm his or her inability to perform his or her job. Where the leave is necessitated by care of a spouse, child or parent, it must be certified that the employee is needed to provide this care.

When the City has reason to doubt the validity of a medical certification, the City may require a second opinion. Selection of the new physician is subject to the City's approval. If the two health care providers disagree, the City may require the opinion of a third jointly approved medical provider who shall be the final authority on the question. Second and third opinions are at the City's expense and the City may not use a health care provider it employs on a regular basis. The City may also require the employee to obtain subsequent recertification on a reasonable basis.

Under this program, an employee may use available sick and/or annual leave, if appropriate under City policies, prior to receiving any approved leave without pay. If an employee uses accrued sick and/or annual leave, such leave time would count toward the total twelve (12) weeks the City is required to provide. The City would maintain the employee's group health coverage during this approved leave of absence at the same level of contribution as provided prior to the period of unpaid leave of absence. However, should an employee fail to return from leave granted under this provision, he or she will be required to reimburse the City for premiums paid on his or her behalf during the period of the unpaid absence.

Generally, any employee who takes leave under the Family and Medical Leave Act is entitled to return to his or her old job, if available, upon completion of the leave. If the old job is unavailable, the employee is entitled to a "genuinely equivalent" position, with equal pay, benefits, status and other conditions of employment previously enjoyed.

Any questions concerning family and medical leave may be referred to the Department of Human Resources.



**City of  
Norfolk**

**PERSONNEL ADMINISTRATIVE POLICIES MANUAL**

**Policy Number  
4.13**

**Date Issued  
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**Subject:  
ADMINISTRATIVE  
MEDICAL LEAVE**

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#### **4.13 ADMINISTRATIVE MEDICAL LEAVE**

Any employee of the city who is totally disabled from working by preventative medical treatment for a work-related exposure to an infectious disease (or a potentially infectious disease); or an illness caused by vaccines or other inoculations required or approved by the City or physicians retained by the City, shall be entitled to leave with pay for the period of total disability certified by one or more physicians retained by the City, but in no event shall the period of liability for such leave extend beyond forty-five (45) calendar days from the date of initial preventative medical treatment or inoculation.

In order for an employee to qualify for leave with pay under this section, the need for the preventative medical treatment or inoculation causing disability, the existence of the total disability, and its causation by the treatment or inoculation referred to above must be certified by one or more physicians retained by the City, or by one or more treating physicians, at the sole option of the City. In the event of any dispute, the City shall have the right, in its sole discretion, to accept or reject the opinion of any physician.

In order for an employee to qualify for leave under this section, the employee must not be eligible for benefits under the Virginia Worker's Compensation Act.

(City Code Section 2-54.1)